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### **REMARKS**

The present Amendment and Response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

#### **Information Disclosure Statement**

Applicants would like to thank the Examiner for identifying the error in the Information Disclosure Statement and for including the correct citation of EP 0450 674 on the PTO-892 form. Applicants will submit a supplementary Information Disclosure Statement.

#### **Amendments to the Specification**

In the Office Action, the Examiner objected to the Title asserting it is too long and the Abstract asserting the last sentence is cut-off. Applicants have amended the Title and submitted a replacement Abstract in accordance with the Examiner's request. Therefore, Applicants respectfully request that the Examiner withdraw the objection to the Title and the Abstract.

#### **Status of Claims**

Claims 1-16 remain pending in the application. New claims 21-27 were added. Claims 1, 2, 4-6, 11-14 and 16 have been amended. Applicants respectfully assert that no new matter has been added. Claims 17-20 were cancelled without prejudice or disclaimer. Applicants reserve all rights to file divisional or continuation applications for the cancelled claims.

#### **Allowable Subject Matter**

Applicants appreciate the indication of allowable subject matter in claims 8 and 9.

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### CLAIM OBJECTIONS

Claims 2, 4, and 5 were objected to. The undersigned thanks the Examiner for his observations and helpful suggestions regarding claim amendments. Claims 2, 4, and 5 have been amended in full accordance therewith.

Therefore, Applicants respectfully request that the Examiner withdraw the objections to claims 2, 4, and 5.

### CLAIM REJECTIONS

#### 35 U.S.C. § 112 Rejections

Claims 1, 2, 6, 12, 13, 14, 16, 17, 18, 19, and 20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 17-20 were cancelled without prejudice and disclaimer and therefore the rejections of claims 17-20 are now moot. Claims 1, 2, 6, 12, 13, 14 and 16 have been amended.

In regards to claim 1, the Office action states that the term "nano-micro-particles" is vague and indefinite. In the Specification (pg. 2, lines 20-29), this term is defined as particles having dimensions between 10 and 1000 nm. However, claim 1 has been amended by replacing "nano- micro- particles" with "micro-particles or nano-particles". Further, the term "double exchange reaction" has been replaced with "reacting".

Additionally, Claim 1 has been amended to include only the preparation of metal hydroxides and as the operation of calcination was deleted from claim 1. Likewise, Claims 2, 6, 12 - 14 and 16 were amended to the term "oxides" and/or operations related in the preparation of oxides. Instead, new dependent claims 21 - 27 were added claiming the preparation of the metal oxides.

In regards to claim 16, the claim was amended to include "coating the ceramic surfaces, textile products or paper materials with hydroxides" as an active positive operation of the claimed process and the term "treatment" has been deleted.

In light of these comments, Applicants respectfully assert that claims 1, 2, 6, 12, 13, 14 and 16, as amended, meet the requirements set forth under 35 U.S.C. § 112. Applicants

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respectfully request that the Examiner withdraw the rejections of claims 1, 2, 6, 12, 13, 14, 16, 17, 18, 19, and 20 under 35 U.S.C. § 112.

#### **35 U.S.C. § 101 Rejection**

Claims 16, 18, 19, and 20 were rejected 35 U.S.C. § 101 as claiming a recitation of a use without any steps involved in the method or process.

Claims 17 -20 were cancelled without prejudice and disclaimer and therefore the rejections of claims 17 - 20 are now moot.

Claim 16 has been amended to include "coating the ceramic surfaces, textile products or paper materials with hydroxides" as an active positive operation of the claimed process.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claim 16 under 35 U.S.C. § 101.

#### **35 U.S.C. § 102 Rejection**

Claims 1-7 and 11-13 were rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Pat. No. 5,104,832 to Michel et al. ("Michel").

Claims 1-7 and 10-13 were rejected under 35 U.S.C. § 102(b), as being anticipated by EP 0 251 538 A2 to Wusirika.

Claims 1-4, 12 and 13 were rejected under 35 U.S.C. § 102(b), as being anticipated by EP 0 450 674 A1 to Castellano et al. ("Castellano").

Claims 12-20 were rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Pat. No. 6,527,843 to Zaima et al. ("Zaima").

Applicants traverse the above rejections in view of the amendments made and the remarks that follow.

Claim 1, as amended, includes, inter alia, "to form an unmixed metal hydroxide of group II metals or transition metals" and new dependent claim 21 includes "preparation of an unmixed oxide of group II metals or transition metals in the form of micro-particles or nano-particles", as recited in claim 21.

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Applicants respectfully assert that none of the above prior art references teaches at least these elements. For a reference to anticipate a claim, the reference must include all elements of the claim.

Michel teaches nano particles of zircon dioxide wherein the presence of other elements (for example, titanium dioxide and yttrium oxide) is essential for the formation of the wanted tetragonal crystal modification, which is metastable in normal conditions. This crystalline modification is responsible for the mechanical properties of the final products.

Likewise, Wusirika teaches a mixture of zirconia with at least one of yttria, magnesia, or calcia as the stabilizers.

Castellano, as admitted by the Examiner, teaches "a method for preparing mixed oxides of zirconium and yttrium" (see page 6 of the Office action).

Zaimal is directed to fine colored particles that include a dye adsorbed on metal oxide fine particles. The section cited by the Office Action merely indicates a list of metal oxides suitable for the ink application and generally states that such metal oxides can be prepared by method known in the art. Zaimal is silent as to "a process for the preparation of unmixed hydroxide hydroxides of group II metals and transition metals", as recited in claim 1.

Accordingly, none of the Michel, Wusirika, Castellano and Zaimal references teaches "to form an unmixed metal hydroxide of group II metals or transition metals", as recited by claim 1. Therefore, claim 1 is allowable over the cited references. Thus, it is respectfully requested that the rejections of independent claim 1 under 35 U.S.C. 102§(e) be withdrawn.

Each of claims 2 - 7 and 10 - 17 depends directly or indirectly from claim 1, and includes all the limitations of the claim. It is respectfully submitted that claims 2 - 7 and 10 - 17 are patentable, and thus allowable, at least for the reasons set forth above with respect to claim 1.

Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 2-7 and 10-17 under 35 U.S.C. § 102(a).

### 35 U.S.C. § 103 Rejections

Claims 14 - 20 were rejected under 35 U.S.C. § 103(a), as being unpatentable over US 5,292,591 to Teyssie et al. in view of US 6,162,530 to Xiao et al.

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Claims 17 - 20 have been cancelled. Thus, the Examiner's rejections of these claims are moot.

Claims 14 - 16 are dependent from claim 1. Claim 1, as amended, includes, inter alia, "to form an unmixed metal hydroxide of group II metals or transition metals". Teyssie does not teach "an unmixed metal hydroxide of group II metals or transition metals", as recited in claim 1. Likewise, Xiao does not teach "an unmixed metal hydroxide of group II metals or transition metals", as recited in claim 1. Accordingly, claim 1 is allowable over the cited art. It is respectfully submitted that claims 14 -16 are patentable, and thus allowable, at least for the reasons set forth with respect to claim 1.

Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 14 -16 under 35 U.S.C. § 103(a).

#### **New Claims**

New dependent claims 21 - 27 have been added.

As discussed above with respect to the 35 U.S.C. § 102 rejection, none of the Michel, Wusirika, Castellano and Zaimal references teaches "to form an unmixed metal oxide of group II metal or transition metal", as recited in new claim 21, and as included in new claims 22-27 because of their dependency on claim 21. Thus new claims 21-27 are allowable.

#### **Conclusion**

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any questions or comments as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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Except for the fees for the Petition for a Three Month Extension of Time, paid previously, with the February 5, 2007 Response, no fees are believed to be due associated with this paper; however, if any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,

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